

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-24 are pending in the application. Claims 4, 5, 7, 8, 16, 17, 19, and 20 have been withdrawn. Claims 1, 6, 9, 11, 13, 18, and 21 have been amended. The amendment is fully supported by the original disclosure. No new matter has been introduced. The above amendment were, in many instances, made to clarify Assignee's claims and do not narrow the scope of the amended claims. In light of this, Assignee asserts that no prosecution history estoppel should result from the above amendments.

The rejection of claims 1, 2, 13, and 14 under 35 U.S.C. 102:

Claims 1, 2, 13, and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,633,461 (hereinafter "Kakizaki"). These rejections are respectfully traversed.

It is noted that the Examiner can establish anticipation only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131.01. It is asserted that the Examiner has not established that Kakizaki meets this requirement.

Assignee respectfully submits the Examiner has not established that Kakizaki discloses all of the elements of independent claim 1. For example, Examiner has not established that Kakizaki discloses "*a supporting surface capable of contacting the platform of a scanner*". In the present Office Action, the Examiner cites to item 16 of

Kakizaki as a "platform" and 17 of Kakizaki as "one or more support elements (17) mounted on interior walls of the housing, at least one of the support element configured to contact the platform". See page 2 of the Office Action. However, the Examiner has not established that the item 17 of Kakizaki is "*capable of contacting the platform of a scanner*" as claimed. For example, item 16 of Kakizaki is described as a "printed circuit board 16". See column 5, lines 29-34 of Kakizaki. In the absence of the Examiner pointing to such a disclosure in Kakizaki, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Kakizaki discloses the identical invention as is required for anticipation. See MPEP § 2131.

Claims 2, 13, and 14 are similarly not anticipated, at least on the same or similar basis as claim 1.

The rejection of claims 1, 2, 11-14, 23, and 24 under 35 U.S.C. 102:

Claims 1, 2, 11-14, 23, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Prior Art Figures 1A and 1B of the present application. These rejections are respectfully traversed.

Assignee respectfully submits the Examiner has not established that that Prior Art Figures 1A and 1B disclose all of the elements of independent claim 1. For example, Examiner has not established that Prior Art Figures 1A and 1B disclose "*an absorbing body located beneath the supporting surface capable of sharing an external stress received by the supporting surface in response to an external force*". In the present Office Action, the Examiner cites to item 112 of Prior Art Figures 1A and 1B as disclosing "an absorbing body (the lower vertical section of 112 inherently shares the

stress or weight received by the supporting surface or the flat horizontal ledge of 112 since it is supporting the ledge) located beneath the supporting surface configured to share a stress received by the supporting surface in response to an external force". See page 3 of the Office Action. However, the Prior Art Figures 1A and 1B are described at paragraph [0007] of the specification of the present application as follows (emphasis added):

FIG. 1B is a perspective view of the lower housing provided in a conventional scanner apparatus. As shown, each of the block members 112 can be a set of ribs attached on an inner wall of the lower housing 102. **However, the block members 112 are not sufficient to effectively absorb external shocks. Therefore, when an external force is applied on the platform 110, the block members 112 can not absorb the shock.** As a result, the platform 110 will likely be damaged due to stress concentration in the block members 112.

Accordingly, Assignee submits that the Examiner has not established that Prior Art Figures 1A and 1B anticipate "*an absorbing body*" as claimed. In the absence of the Examiner pointing to such a disclosure, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Prior Art Figures 1A and 1B discloses the identical invention as is required for anticipation. See MPEP § 2131.

Claims 2, 11-14, 23, and 24 are similarly not anticipated, at least on the same or similar basis as claim 1.

The rejection of claims 3, 6, 9, 10, 15, 18, 21, and 22 under 35 U.S.C. 103:

The Examiner has rejected claims 3, 6, 9, 10, 15, 18, 21, and 22 under 35 USC 103 as being unpatentable over Prior Art Figures 1A and 1B of the present application in view of US Patent No. 5,224,781 (hereinafter "Rohee"). These rejections are respectfully traversed.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. MPEP 2142. To establish a prima facie case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Claims 3, 6, 9, 10, 15, 18, 21, and 22 are similarly not obvious, at least on the same or similar basis as claim 1. As argued above, Assignee respectfully submits the Examiner has not established that that Prior Art Figures 1A and 1B suggest all of the elements of independent claim 1. For example, Examiner has not established that Prior Art Figures 1A and 1B suggest *"an absorbing body located beneath the supporting surface capable of sharing an external stress received by the supporting surface in response to an external force"*. Additionally, the Examiner has not established that Rohee cures Prior Art Figures 1A and 1B of this failure. In the absence of the Examiner pointing to such a suggestion, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders claims 3, 6, 9, 10, 15, 18, 21, and 22 obvious.

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any

of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

ADDITIONAL FEES

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,
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Dated: February 23, 2006

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